

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
OFFICE OF THE CLERK**

Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257
(303) 844-3157

Christopher M. Wolpert
Clerk of Court

July 16, 2021

Jane K. Castro
Chief Deputy Clerk

Mr. Mitchell R. Elfers
United States District Court for the District of New Mexico
Office of the Clerk
333 Lomas N.W.
Albuquerque, NM 87102

RE: United States v. Nissen
Dist/Ag docket: 1:19-CR-00077-JB & 1:21-CV-00505-JB-SMV

Dear Mr. Elfers:

Enclosed please find a "Request of Certificate of Appealability" from Michael Nissen that we have construed to be a misdirected notice of appeal. In order for your court to take the appropriate steps to provide us with the supplemental preliminary record in this matter, the notice of appeal is being sent to you so it can be properly filed as of July 15, 2021. See Fed. R. App. P. 4(d).

Please contact this office if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Wolpert', with a long horizontal line extending to the right.

Christopher M. Wolpert
Clerk of the Court

Encl.

cc: Michael Nissen

CMW/sds

RECEIVED
U.S. COURT OF APPEALS
10TH CIRCUIT

2021 JUL 15 AM 10:11

To: Clerk of Court,

From: Michael J Nissen, agent

#02508151

C.C.C.C.

P.O. Box 3540

Milan, N.M. 87021

Regards: Request of Certificate of Appealability

Clerk of Court,

Please court time stamp this legal document into the record of the court and forward to proper party who will make ruling of this Request. Also if the clerk of court could send copy back to sender for records that would be greatly appreciated.

Date: 07/12/2021

by: Michael J Nissen, agent
MICHAEL J NISSEN

RECEIVED
U.S. COURT OF APPEALS
10TH CIRCUIT

2021 JUL 15 AM 10:12

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

MICHAEL JAMES NISSEN
Movant,

VS.

UNITED STATES OF AMERICA
Respondant,

Case No:

1:21 - CV - 00505 - JB - SMV

1:19 - CR - 00077 - JB

REQUEST OF CERTIFICATE OF APPEALABILITY

This Matter, comes before the court in a Request of Certificate of appealability for 28 U.S.C. § 2255 Motion that was dismissed as "premature" by James O Browning case no: 1:21 - CV - 00505 - JB - SMV, 1:19 - CR - 00077 - JB, See (Doc, 8, 9), Accordingly the Movant Filed an Affidavit of Due Process of

Law Violation for Excluding Movant from Proceedings on Ruling Dismissing 28 U.S.C.

§ 2255 See (Doc, 10). 1:21-cv-00505-JB-SMV, 1:19-CR-00077-JB, Final Judgement, See (Doc, 9)

"There not being any more parties," before the court, Movant was denied due process and equal protection of law for being excluded from an adjudicative hearing as a party to this § 2255 motion.

Next, Rule 11(a) of Rules Governing Section 2255, The district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant. Before entering the

final order the court may direct the "Parties" to submit arguments on whether a certificate should issue. Morant in this matter was once again denied due process and equal protection of law for not being present in physical form at an adjudicative hearing to submit an argument in the interest of the Morant. If the court denies a certificate a party may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22.

Last, in a recently filed
Pg 3 of 7

Affidavit of Formal Objection of Memorandum Opinion of Order and Final Judgement on 07/08/2021 with the District Court clerk of court in regards to case no: 1:21-cv-00505-JB-SMV, 1:19-CR-00077-JB, According to Habeas Corpus Practice and Procedures § 41.4 paragraph 11 (2), "the date in which the impediment to making a motion created by government action in violation of the Constitution or laws of the United States is removed, if the Movant was prevented from making a motion by such government action.

In addition, Movant is a party

to this 28 U.S.C. § 2255 Motion and has every right to be present at all proceedings, I am being denied due process and equal protection of law for being excluded by the court in these proceedings before the court as recorded and documented into the record of the court to offset James O Brownings statement in paragraph 1 of this Request of Certificate of Appealability, relating to 1:21-cv-00505-JB-SMV, See (Doc, 9), which is misleading and deceptive in its context and I quote: "There not being any more parties," before the court.

No participation of Movant as a party to § 2255 Motion in adjudicative hearing is a violation of due process and equal protection of law guaranteed by the Constitution. These continued due process and equal protection of law violations committed by a Federal Judge in both cases said herein need to cease and desist immediately.

IN Conclusion

wherefore, Movant request from the Court of Appeals under Federal Rule of Appellate Procedure 22,

an order by this court for a Request of Certificate of Appealability should issue is a valid request for the reasons of fact said herein pertaining to Federal United States Administrative Agency Laws, Rules et. al,.

I look forward to a timely response and pray that this Request of Certificate of Appealability is issued.

Respectfully Submitted,
Date: 07/12/2021 by: Michael J Hissen, agent
MICHAEL J HISSSEN
agent

Nissen, Michael

02588151

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P.O. Box 3540

Milan, N.M. [87021]

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UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

Byron White United States Courthouse

do: Clerk of Court.

1823 Stout Street

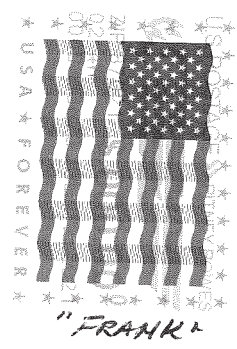
Denver, Colorado [80257]

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